

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Apr 23, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL A. MCCLURE,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

NO: 2:19-CV-397-RMP

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

Petitioner Michael A. McClure, a prisoner at the Coyote Ridge Corrections Center, presented this *pro se* Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 on November 18, 2019, without a completed application to proceed *in forma pauperis* or payment of the \$5.00 filing fee. ECF No. 1.

By Order filed January 30, 2020, the Court directed Petitioner to comply with Rule 3(a), Rules Governing Section 2254 Cases in the United States District Courts, by submitting a completed *in forma pauperis* application. ECF No. 4. In the alternative, Petitioner was advised that he could pay the full \$5.00 filing fee. Petitioner was cautioned that his failure to do so would result in the dismissal of

ORDER OF DISMISSAL WITHOUT PREJUDICE -- 1

1 this case. Petitioner has neither paid the filing fee nor sought *in forma pauperis*  
2 status.

3 Accordingly, **IT IS ORDERED** that this action is **DISMISSED**  
4 **WITHOUT PREJUDICE** for failure to comply with the filing fee or *in forma*  
5 *pauperis* requirements of Rule 3(a), Rules Governing Section 2254 Cases in the  
6 United States District Courts. All pending motions are **DENIED AS MOOT**.

7 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
8 Order, enter judgment, provide a copy to Petitioner at his last known address, and  
9 close the file. The Court certifies that any appeal from this decision could not be  
10 taken in good faith, and there is no basis upon which to issue a certificate of  
11 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of  
12 appealability is therefore **DENIED**.

13 **DATED** April 23, 2020.

14  
15 s/ Rosanna Malouf Peterson  
16 ROSANNA MALOUF PETERSON  
17 United States District Judge  
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